

# In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-885

UNITED STATES OF AMERICA; GEORGE P. SHULTE, SECRETARY OF THE TREASURY; S. S. SOKOL, COMMISSIONER, OF ACCOUNTS, PETITIONERS

v.

WILLIAM B. RICHARDSON

ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR  
THE THIRD CIRCUIT

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\* The district court's opinion is reproduced as an appendix to the petition for certiorari, Pet. App. B, pp. 55a-58a. The opinion of the Court of Appeals is reproduced at Pet. App. A, pp. 1a-53a.

RELEVANT DOCKET ENTRIES

1970

Jan 8      Complaint filed.

Jan 16     Order denying three judge court, and directing assignment in usual manner.

Mar 20     Motion to Dismiss filed by Defendants.

Apr 22     Motion opposing three judge court filed by Defendants with memorandum attached.

May 19     Motion to convene three judge court without further oral or written argument filed by Plaintiff.

May 19     Motion to quash Motion in Opposition to convening three judge court filed by Plaintiff.

Jun 15     Hearing on Motion to Dismiss held before Willson, J.

Jun 16     Memorandum filed and Order entered dismissing Plaintiff's complaint.

Aug 14     Notice of Appeal filed.

[Complaint]

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM B. RICHARDSON,  
PLAINTIFF

vs.

UNITED STATES OF AMERICA; DAVID M. KENNEDY, Secretary of the Treasury for the UNITED STATES; and S. S. SOKOL, Commissioner of Accounts for the Secretary of the Treasury, UNITED STATES Government,

DEFENDANTS

Civil Action Number  
70 23

I. GENERAL LEGAL ALLEGATIONS

A. On Jurisdiction

(1.) Jurisdiction is founded on Article III, Section 2, Clause (1), of the United States Constitution and the laws of the United States as follows:

title 28 U.S.C.A. sect 1346(a)(2)  
—based on Constitution.

title 28 U.S.C.A. sect 1361  
—mandamus to compel agency.

title 5 U.S.C.A. sect 701 thru 704  
—review of agency action.

title 5 U.S.C.A. sect 552(a)(3)  
—enjoin agency.

B. On Basis of Action

(2.) The action arises under the Constitution of the United States; the non-jurisdictional portions of that Constitution giving basis to this complaint are:

Article I Section 3 Clause (4)

—Vice-President—Duties.

**Article I Section 7 Clause (2)**  
 —Definition of "Law".

**Article I Section 8 Clause (1)**  
 —Taxing and Spending.

**Article I Section 8 Clause (12)**  
 —Military Appropriation Limits.

**Article I Section 8 Clause (14)**  
 —Land and Naval Forces.

**Article I Section 9 Clause (7)**  
 —Appropriation and Accounting.

**Amendment I (Bill of Rights)**  
 —Freedom of Speech and Press.

(3.) The action arises under the laws of the United States relative to the National Security as follows:

title 50 U.S.C.A. sect 401  
 —declaration of purpose

title 50 U.S.C.A. sect 402  
 —National Security Council

title 50 U.S.C.A. sect 403  
 —Central Intelligence Agency

title 50 U.S.C.A. sect 403a  
 —CIA Act—definitions

title 50 U.S.C.A. sect 403b  
 —CIA Act—Judicial Notice

title 50 U.S.C.A. sect 403c  
 —CIA Act—procurement

title 50 U.S.C.A. sect 403f  
 —CIA Act—general authority

title 50 U.S.C.A. sect 403j  
 —CIA Act—appropriation authority

(4.) This action is suggested in part by criminal code title 18 section 1001 in-so-far as that statute proclaims governmental policy but the defendant, UNITED STATES OF AMERICA, has countered its own policy directives through unconstitutional legislation exonerating the natural defendants in this case. No further reference to this statute is set out in this complaint.

(5.) This action arises under the Code of Federal Regulations, title 31 section 270.3(a)(b) in-so-far as it supplements the Administrative Procedure Act cited para (1.)

above (title 5 U.S.C.A. 701 et seq.) and defines final agency action in regard to requests for records from the Commissioner of Accounts.

### *C. Nature of Proceeding*

(6.) This is a proceeding for an Injunction pursuant to the provisions of title 5 U.S.C.A. section 552(a)(3), title 28 U.S.C.A. section 2282, and title 28 U.S.C.A. section 2284; for a Mandamus pursuant to title 28 U.S.C.A. section 1361; and for a Declaratory Judgment pursuant to the provisions of title 28 U.S.C.A. 2201 and 28 U.S.C.A. 2202.

### **II. PLAINTIFF**

(7.) Plaintiff is a resident of Greensburg, Pennsylvania, a member of the electorate, and a loyal citizen of the United States. He is furthermore a taxpayer paying Federal income taxes and other Federal taxes.

### **III. DEFENDANTS**

(8.) The defendants are:

a. the limited sovereign, UNITED STATES OF AMERICA, who has consented to be sued by statutory enactment.

b. the Secretary of the Treasury for the sovereign defendant, Mr. DAVID M. KENNEDY, with offices in Washington, D.C. As Secretary of said Treasury, this defendant is head of the depository for all public money held by the Federal Government and is bound by Federal laws to honestly and faithfully account for all receipts and expenditures as prescribed by the Constitution.

c. the third defendant is Mr. S. S. SOKOL, Commissioner of Accounts, Fiscal Service, United States Treasury, with offices in Washington, D.C. who has been delegated responsibility for honest and faithful reporting of the receipts and expenditures of all public money and who represents that his department publishes the document required by Article I, Section 9, Clause (7) of the United States Constitution.

## IV. STATEMENT OF CASE

A. *Background Information*

(9.) On May 12, 1967, the plaintiff wrote the Government Printing Office saying that he desired to obtain the documents published by the Government in compliance with Article I Section 9 Clause (7) of the United States Constitution. Under date of August 9, 1967, a reply was received from the Treasury Department, Fiscal Service, Bureau of Accounts explaining that they produced this document and that "This report is now known as the 'Combined Statement of Receipts, Expenditures, and Balances of the United States Government'" (attached to this letter were copies of the monthly and daily reports. Examination of these reports showed no listing for the operation of the CIA). This letter was signed by H. A. TURNER, Deputy Commissioner for Central Accounts and Reports. The plaintiff wrote Mr. TURNER on August 21st, 1967 and quoted part of the CIA Act and enquired if this did not operate "to cast reflection upon the authenticity of the Treasury's statement?" Also, the plaintiff enquired how he could receive the expenditures of this Agency. Under date of August 24th, 1967, Mr. TURNER replied saying that plaintiff had only quoted a part of the Act and directing plaintiff's attention to further subsections to be read and stating in conclusion: "We have no other information available with respect to the Agency mentioned in your letter." On September 25th, 1967, the plaintiff wrote Mr. TURNER setting out essentially that (1) the Constitutional mandate was clear (2) that the report of the Treasury should include all public money (3) that such report should be published for the benefit of the public (4) that if their reports are to be represented as complying with Article I Section 9 Clause (7) of the Constitution, they should immediately terminate their present methods of reporting, and (5) that they should present the matter to the Attorney General for a determination as to what should be published.

(10.) Under date of October 24th, 1967, Mr. S. S. SOKOL, Commissioner of Accounts, Fiscal Service, Treasury Department, replied to plaintiff's letter of September 25th saying that they would not cease publication of their docu-

ments and explaining that once a statute was on the books, he was prohibited by established practice from requesting an opinion as to its constitutionality. Further, Mr. SOKOL stated: "All the receipts and expenditures of the Government are published in the Secretary's reports; however, by statute, the details of receipts and expenditures for the above Agency (CIA) are not available."

### *B. Statement on Constitutional Repugnance*

(11.) The plaintiff cannot obtain a document that sets out the expenditures and receipts of the Central Intelligence Agency including the amounts appropriated for this Agency; instead, he is asked to accept a fraudulent document. The Treasury Department's action is final agency action on his demands. Upon authority of the United States Constitution, he is entitled to ask for and receive a reliable publication that makes sense from the accounting standpoint.

(12.) The Central Intelligence Agency Act is repugnant to the Constitution of the United States in several ways which will be shown; but primarily, and most prominently, it operates to falsify the Regular Statement and Account of All Public Money. For the Government to spread the appropriations, receipts and expenditures of this Agency throughout a document diabolically titled to resemble the wording of Article I Section 9 Clause 7 and then represent it as complying with the Constitution is a misrepresentation inconsistent with responsible government. This is especially shocking when the government exists only by virtue of a social contract where-in the People have relinquished certain powers in the form of delegated authority none of which included the authority to commit fraud on them. The only logical conclusion that can be drawn from such behavior is that the Federal Government views the American People as a potential enemy against whom the Government must be protected at all cost.

(13.) No one wants to destroy the Central Intelligence Agency; or even curtail its activities in the area of coordination, correlation, collection, evaluation and dissemination of Intelligence if these are the only areas within which the Central Intelligence Agency operates; and, accordingly, there would be no need to usurp Constitutional authority.

It should be a relatively simple matter to write legislation allowing ample flexibility of operation, protection of intelligence sources and methods, reporting under Article I Section 9 Clause (7), and for imposition of stringent rules and regulations to safeguard American ideals.

(14.) Besides the irregular accounting engendered by the CIA Act, the Federal Government has no authority to create a para-military organization and give it perpetual funding; no authority to create and fund a para-military organization over which it has relinquished the rule-making responsibilities associated with the land and naval forces; nor can it provision such an organization with "personal services, including personal services without limitations on types of persons to be employed —" and "purchase, maintenance, operation, repair — aircraft, and vessels of all kinds."

(15.) Furthermore, the Federal Government does not have the authority to create an organization, fund it clandestinely, and empower it to purchase news reporting services. The temptation for ambitious men to use such unprecedented power as a weapon of intimidation to stifle free speech and freedom of the press is too great.

(16.) If it is assumed that the document produced by the Treasury Department and titled "Combined Statement of Receipts, Expenditures and Balances of the United States Government" is intended by the Government to be the fulfillment of Article I Section 9 Clause (7) (and this is what they represent it to be); then, the following situation exists with regard to CIA funding:

a. Such funding and reporting practices prevent the receipts and expenditures of the Central Intelligence Agency from becoming available to the producer of what should be the Regular Statement and Account of the Receipts and Expenditures of All Public Money and forces on the People an irregular statement and account.

b. Such funding and reporting practices authorize collusion between the Central Intelligence Agency, the Bureau of the Budget and "other agencies" to transfer public money in such a manner that certain so-called receipts and expenditures of the "other agencies" are transfers to and from the Central Intelli-

gence Agency and not, in fact, receipts and expenditures of those "other agencies."

c. Such funding and reporting practices authorize depositories of public money within other agencies that draw on the Treasury to insulate the Central Intelligence Agency from any record of having drawn public money from the only Constitutional depository of record within the Federal system as far as the People are concerned.

d. Such funding and reporting practices promote double dealing in government finance by taking money drawn from the Treasury "in consequence of appropriations made by law" which is limited in use to the mission of the drawing agency then transferring this money to the Central Intelligence Agency without limitation on spending and without accountability.

e. Such funding and reporting practices undermine public confidence in the Government's ability to produce a regular statement and will eventually be calamitous.

(17.) There are additional Constitutional repugnancies associated with the National Security Statutes which adversely affect funding and spending. These are stated and clarified under part F (Statement on Declaratory Findings).

#### *On Statement on Federal Taxpayer's Suit*

(18.) The plaintiff is taxed by the laws of the United States on income and through other forms of taxation. The money extracted from him should be deposited in the Treasury of the United States under the direction and control of the defendant KENNEDY. This defendant has no authority to release money from the Treasury except "in consequence of appropriations made by law." When an appropriation establishes a credit in the Treasury for a particular agency, that agency and no other can draw on that credit. The Congress has no authority to pass statutes that countermand Constitutional mandates. It is obvious from simple reading of the statutes on the National Security (cited: page #1 this complaint, para. (3)) that certain mandates incorporating specific limitations and restraints on the spending power have been breached.

(19.) The Congress has exceeded its taxing and spending power under Article I Section 8 of the Constitution. In addition, the laws relative to the National Security cited in paragraph (3.) page #1 of this complaint exceed specific constitutional limitations and restraints on the taxing and spending power. These specific limitations and restraints are further described and clarified in part F (Statement on Declaratory Findings), paragraphs (26.) through (54.).

(20.) Accordingly, the taxpayer's money is being extracted and spent in violation of specific Constitutional protections against such abuses of legislative power and such an injury is appropriate for judicial redress.

#### *D. Statement on Duty Owed the Plaintiff*

(21.) Defendant SOKOL has been delegated the authority to prepare and publish for public consumption the report ordered by Article I Section 9 Clause 7 of the United States Constitution. Defendant SOKOL does not publish the report as required by the Constitution but represents that he does. Defendant SOKOL refuses to take any steps to bring his report up to the standards required by the Constitution and he relies on unconstitutional statutes as his authority which, he says, he cannot question once the statutes are on the books.

(22.) The Commissioner of Accounts is duty bound to deliver to the plaintiff a document that complies with Article I Section 9 Clause (7) of the Constitution. Accordingly, the plaintiff has been denied a Constitutional right arising from deliberate actions of his Government in passing legislation purposely designed to defeat the Constitutional mandates.

(23.) Wherefore, the plaintiff can maintain this action in the nature of a mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff and such an action will have judicial cognizance.

#### *E. Statement on Appeal from Final Agency Action*

(24.) Part A (Background Information) of this section titled "Statement of Case" gives a resume of plaintiff's written demands on the Commissioner of Accounts and the

Commissioner's reaction thereto. Significant among these demands were (1) that plaintiff desired the expenditures of the Central Intelligence Agency, and (2) that the Commission's non-compliance with the Constitutional mandate was so flagrant that the Commission should immediately discontinue production of their reports until the matter was thrashed out within the Executive Departments and all public money properly accounted for and/or reported. The Commissioner's reply was to deny, in effect, that the document he produced transgressed the Constitutional directives and that he could do nothing further in the absence of a court ruling. This amounted to final agency action as described in title 31 section 270.3(a)(b) of the Code of Federal Regulations headed "Availability of Records" and is specifically applicable to the Commissioner of Accounts when requests for records are denied by him.

(25.) Accordingly, the plaintiff has suffered legal wrong because of agency action and is entitled to judicial review and corrective action.

#### *F. Statement on Declaratory Findings*

WHEREFORE, the plaintiff demands that the Court adjudge:

(26.) That Congress and the President, like the courts, possess no power not derived from the Constitution and the United States is entirely a creature of the Federal Constitution; its power and authority has no other source and it can only act in accordance with all the limitations imposed by the Constitution.

(27.) That the rights and liberties of citizens of the United States are not protected by custom and tradition alone, they are preserved from the encroachment of government by express provisions of the Federal Constitution.

(28.) That the language of the Federal Constitution where clear and unambiguous must be given its plain evident meaning.

(29.) That the prohibitions of the Federal Constitution are designed to apply to all branches of the National Government and they cannot be nullified by the Congress and the Executive combined.

(30.) That Article I Section 9 Clause (7) of the Constitution of the United States acts as a limitation and restraint

on the taxing and spending clause of that Constitution.

(31.) That Article I Section 9 Clause 7 incorporates by reference Article I Section 7 Clause 2 of the United States Constitution and the two articles act as a limitation on the taxing and spending clause specifically requiring that no money shall be drawn from the Treasury except on authority of a Bill of Appropriation passed by both houses and signed by the President or passed over his veto and setting forth the amount of appropriation, the name of the government agency to be credited by the Treasury, and the time period during which the credit shall be available to the agency.

(32.) That Article I Section 8 Clause 12 acts as a limitation on the taxing and spending clause and, acting in conjunction with Article I Section 9 Clause 7 and Article I Section 7 Clause 2, limits the appropriation of money to raise and support armies to a bill duly passed by both houses and signed by the President or passed over his veto; and said bill cannot appropriate such money beyond a two year period.

(33.) That the Freedom of Speech and Freedom of the Press provisions of Amendment I act as a limitation and restraint on the taxing and spending provisions of Article I Section 8 Clause 1 and specifically deny the Federal government any right to authorize undisclosed and indiscriminate rental of news reporting by any agency of government; such abuse of the Bill of Rights would be further magnified if such rental funds were unlimited and unaccounted for.

(34.) That a receipt of public money occurs at any time a government agency receives credit in its Treasury account for funds based upon a Bill of Appropriation. This is a checking account established for that agency. Thus, Article I Section 9 Clause (7) meant that all appropriations were to be reported in the "regular statement and account of the receipts and expenditures of all public money;" such report to be by heads of appropriation whose access to public money is based only on the credit accrued in their Treasury account.

(35.) That an expenditure of public money means a laying out of public funds in a transaction following which that money is no longer public money. Thus, the transfer of

public money from one government agency to another does not constitute an expenditure and should not be reported as such in any document purporting to be published in compliance with Article I Section 9 Clause 7.

(36.) That it was the intent of Article I Section 9 Clause (7) to make available to every United States citizen a regular statement and account of the receipts and expenditures of all public money published by an instrument of government having a thorough knowledge of the flow of public money in and out of the Federal structure and having indisputable access to all receipts and expenditures where public money is concerned.

(37.) That it is a condition attached to the use of public money by a government agency that its receipts and expenditures shall be available to the instrument of government producing the statement and account required by Article I Section 9 Clause (7) and no agency can be the subject of government classification, security or otherwise, that would prevent its inclusion. Furthermore, legislation is inherently defective that orders the courts to take judicial notice of the existence of an Agency and at the same time orders the Treasury Department to treat the same Agency as though it did not exist.

(38.) That the annual document titled "Combined Statement of Receipts, Expenditures and Balances of the United States Government" prepared by the Treasury Department and offered for sale by the Government Printing Office is not, in fact, the document required by Article I Section 9 Clause 7 of the United States Constitution but is represented by the Government as identical.

(39.) That no document is now being published for information of the People that meets the requirements of Article I Section 9 Clause 7.

(40.) That failure to publish a regular statement and account of the receipts and expenditures of all public money and make it available to the People and to the plaintiff is a mockery of delegated authority and a violation of plaintiff's constitutional rights when he demands such a document from his Government.

(41.) That when the Government produces a document purporting to be a constitutionally founded document giving a regular statement and account of all public money and

setting out the appropriations, receipts and expenditures as they relate to each government agency but in correspondence they admit that there is one Agency which receives and spends public money but which they have no information on, then their document is fraudulent as to the People for whom it is prepared especially when the appropriations, receipts and expenditures of the renegade Agency are spread throughout the entire document allegedly complying with Article I Section 9 Clause (7).

(42.) That it was never intended by the Founding Fathers that appropriations, receipts and expenditures of the United States Government were to be reported in any other manner than in a manner that made sense.

(43.) That subterfuge can play no part in drawing money from the Treasury nor in producing the regular statement and account of the receipts and expenditures of all public money.

(44.) That when the plaintiff is tendered a document held out as complying with Article I Section 9 Clause (7) but in fact it is a spurious document clearly abrogating the Constitutional requirement, then this is a fraud practiced on the plaintiff and a violation of his Constitutional rights.

(45.) That the provision in 50 U.S.C.A. section 403f(a) stating: "and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations" is countermanding of Article I Section 9 Clause 7 and Article I Section 7 Clause 2 and is an affront to the American People since it serves no useful purpose except to deceive everyone including those desiring, and entitled to, an honest accounting of public money.

(46.) That the wording in the Central Intelligence Agency Act (50 U.S.C.A. sect. 403f(a)) to the effect: "Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of sections 403a-403j of this title without regard to limitations of appropriations from which transferred;" constitutes an unlawful delegation of governmental authority because there is no such thing as an "unlimited appropriation" and any attempt to so fund a government agency is repugnant to both Article I Section 9 Clause (7) and Article I Section 7 Clause (2).

(47.) That the statement as to appropriations in title 50 U.S.C.A. 403j(b) : "The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds" repeals all laws governing the expenditure of public money in the hands of this one Agency and is self-incriminating and unworthy of comment.

(48.) That the statement "and for objects of a confidential, extra-ordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified" is too broad and comprehensive and is giving this Agency more power than the Federal Government itself has—being specifically repugnant to Article I Section 9 Clause 7 of the Constitution. The interpretation of this provision has resulted in nothing being reported.

(49.) That the CIA Act (50 U.S.C.A. section 403f(a)) is repugnant to the United States Constitution wherein it states that "the Central Intelligence Agency is authorized to—(a) Transfer to an receive from other Government agencies such sums as may be approved by the Bureau of the Budget—" because such sums could be transferred from collection agencies thus circumventing entirely the Treasury of the United States; furthermore, the delegation of such authority to the Bureau of the Budget to accommodate the funding of the Central Intelligence Agency so that this Agency never appears on the regular statement and account of all public money and has perpetual appropriation status is a deliberate fraud on the People of the United States and permits the Bureau of the Budget to operate outside the narrow lines of governmental authority delegated to the Federal Government by the People of this Country being especially repugnant to Article I Section 9 Clause 7, Article I Section 7 Clause 2, Article I Section 8 Clause 12, and Article I Section 8 Clause 14.

(50.) That the power granted to Congress by Article I Section 8 Clause 14 of the Federal Constitution to make rules for the government and regulation of the land and naval forces does not extend to civilians. Thus, Congress has delegated authority in the CIA Act to the Executive for an organization which, in some operations, is para-military, over which Congress makes no rules for its gov-

ernment and regulation and to attempt to fund such an Agency is ultra vires the Constitutional authority of Article I Section 8 Clause 1 because Article I Section 8 Clause 14 limits spending to those organizations composing the land and naval forces when the rules and regulations for such organizations are made by Congress.

(51.) That the Central Intelligence Agency is, in part, a para-military organization and that it is an unlawful delegation of legislative authority and a violation of Article I Section 8 Clause 12 of the United States Constitution to automatically fund this Agency on a continuing basis without regard to the 2 year limitation on such funding.

(52.) That the Central Intelligence Agency is, in part, a para-military organization and that it is an unlawful delegation of legislative authority and a violation of Amendment I of the Bill of Rights to give such an organization automatic funding without limitation or accountability for the undisclosed and indiscriminate "rental of news reporting services" such being in derogation of the Freedom of Speech and Freedom of the Press provisions.

(53.) That it is an unlawful incorporation by reference to write-in the Central Intelligence Agency as an additional participant under the "Armed Services Procurement Act of 1947" (Public Law 413, Eightieth Congress, second session) by making reference to said Act and the relationship thereto of the Central Intelligence Agency in "The Central Intelligence Agency Act of 1949" (Public Law 110, 81st Congress, title 50 U.S.C.A. sect 403c). That notwithstanding, this procedure was adopted, but subsequently, the "Armed Services Procurement Act of 1947" was repealed and replaced by the Act of August 10, 1956 "Procurement Generally" (title 10 U.S.C.A. 2301 through 2314) and the subsequent Act has never been incorporated by reference, or otherwise, into the CIA Act; accordingly, the CIA is without any restriction as to its procurement procedures; therefore, the People of this Country are confronted with the untenable situation of a secret organization with unlimited access to the United States Treasury, statutorily protected from accountability, with the funding system rigged for fraudulent appropriation and accounting of public money, and running wild as far as procurement procedure is concerned.

(54.) That the Vice Presidency of the United States is a Constitutionally ordained office. The duties are prescribed by the Constitution. No other duties can be assigned this office. As a practical matter, the Vice-President is not a member of the Executive nor of the Legislature and is not subject to assignment by either. To assign such an elected official to an Executive post on the National Security Council where he can exercise certain control over the expenditures of an organization with unlimited funding and no accountability violates Article I Section 3 Clause (4) of the Constitution in that he is assigned to duties not prescribed by the Constitution and may vote on appropriations which he later takes part in spending.

(55.) That the Vice President of the United States is elected as a member of the Executive but, once in office, he is assigned the duty of presiding over the Senate. After taking office, he is constitutionally bound to work in the legislature. There he is "buried", so to speak, and he is only resurrected in the Executive Branch should the President become incapacitated. By putting the Vice President on the National Security Council, which is purely an instrument of the Executive Department, the Government is breaching the Separation of Powers doctrine.

#### V. PRAYER FOR RELIEF

(56.) WHEREFORE, plaintiff respectfully prays that upon the filing of this complaint this Court give precedence over all other cases on the docket except as to causes the Court considers of greater importance and this case to "be assigned for hearing and trial at the earliest practicable date and expedited in every way" as prescribed in title 5 U.S.C.A. section 552(a)(3) and that a three Judge Court be especially convened to:

(a.) adjudge, decree and declare the rights and other legal relations of the parties to the subject matter here in controversy, in order that such declaration shall have the force and effect of a final judgment;

(b.) issue a mandamus compelling the defendants to perform their duty to the plaintiff as prescribed by the United States Constitution.

(c.) issue a permanent injunction enjoining the defendants from publishing their "Combined Statement of Re-

ceipts, Expenditures and Balances of the United States Government" and representing it as the fulfillment of the mandates of Article I Section 9 Clause 7 until same fully complies with those mandates.

(d.) grant plaintiff such other, additional or alternative relief as may appear to the Court to be equitable.

(e.) grant plaintiff his costs herein.

/s/ William B. Richardson

WILLIAM B. RICHARDSON

149 Westmoreland Avenue

Greensburg, Pennsylvania 15601

IN THE UNITED STATES COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

[Title Omitted in Printing]

Civil Action No. 70-23

**MOTION TO DISMISS**

[Filed March 20, 1970]

And now comes the United States of America by Richard L. Thornburgh, United States Attorney for the Western District of Pennsylvania, and Thomas A. Daley, Assistant United States Attorney, and moves the Court to dismiss the captioned action for the following reasons:

1. The action is barred by the principles of "res judicata" and "law of the case", the plaintiff having previously brought the action in this Court, and judgment of dismissal having been entered against him, Miller, J., 285 F. Supp. 866, aff'd, 409 F.2d 3 (3d Cir. 1969).
2. The plaintiff lacks standing to bring the action.
3. No justiciable controversy is presented by the complaint.
4. The complaint fails to state a cause of action upon which relief can be granted.
5. The Court lacks jurisdiction.

RICHARD L. THORNBURGH  
*United States Attorney*

/s/ Thomas A. Daley  
By: THOMAS A. DALEY  
*Assistant United States  
Attorney*

SUPREME COURT OF THE UNITED STATES

No. 72-885

UNITED STATES, ET AL.,  
PETITIONERS,

V

WILLIAM B. RICHARDSON

**ORDER ALLOWING CERTIORARI Filed February 26, 1973.**

The petition herein for a writ of certiorari to the United States Court of Appeals for the Third Circuit is granted.

